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Message Text

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ORIGIN L-03

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DRAFTED BY L/M:KEMALMBORG:AD
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USIA - MS. FUTCH
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E.O. 11652: N/A

TAGS: OGEN, CASC, JA

SUBJECT: USIS CONTRACT EMPLOYEE, WILLIAM PARKER

REF: (A) NAHA 60; (B) NAHA 64

1. AS GENERAL MATTER, USG HAS NO AUTHORITY OVER OR RESPONSIBILITY FOR EMPLOYEE OF INDEPENDENT CONTRACTOR. THERE ARE CIRCUMSTANCES UNDER US TORT LAW WHEREBY DEGREE OF GOVERNMENT SUPERVISION AND DIRECTION IS SO DIRECT AND SUB-STANTIAL THAT LIABILITY COULD BE IMPUTED. HOWEVER, REFTELS CONTAIN INADEQUATE FACTS ON PRECISE NATURE OF WHAT PARKER WAS DOING AND WHY TO DRAW ANY SUCH CONCLUSIONS.

2. CONTRACT BETWEEN USIA AND PARKER'S COMPANY PROVIDES "SAVE HARMLESS" CLAUSE FOR PROTECTION OF USG. PARKER'S COMPANY MAY HAVE SUPPLEMENTARY INSURANCE, AND PAVILION DOES HAVE SUPPLEMENTARY INSURANCE WE UNDERSTAND.

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3. IN LIGHT ABOVE, NAHA SHOULD (A) COLLECT AND TRANSMIT TO DEPARTMENT AND USIA ALL INFORMATION IT HAS ON ACCIDENT,

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PARKER'S STATUS, AND RELATED MATTERS, AND (B) REFER ALL INQUIRIES FROM GOJ AUTHORITIES OR FAMILY ATTORNEY TO PARKER, PARKER'S COMPANY OR US PAV INSURANCE COMPANY (WE ASSUME US

PAV HAS ADDRESS); AND (C) SEND WASHINGTON COPY OF US PAV SUPPLEMENTAL, VOLUNTARY INSURANCE POLICY.

3. IN VIEW OF DOUBT AS TO ANY OFFICIAL USG RESPONSIBILITY, WE BELIEVE THERE IS NO BASIS FOR EITHER USG FINANCIAL SUPPORT OF NEGOTIATIONS OR RETENTION OF COUNSEL. SHOULD CLAIM BE FILED AGAINST USG PLEASE PROCESS UNDER 2 FAM 280, AND IF LITIGATION AGAINST USG INITIATED, PROCESS UNDER 2 FAM 284. WE WOULD NOT REGARD CLAIM REFTEL (B) AS AGAINST USG. KISSINGER

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